

**Middlesex Borough Planning Board
1200 Mountain Ave., Middlesex, NJ 08846
Minutes
April 9, 2014**

1. Call to Order

Chairperson Andy Galida called the meeting to order at 7:30p.m.

2. Open Public Meeting Acts Statement

Chairperson Andy Galida read the Open Public Meeting Act Statement.

3. Call to Order

Upon voice count the following members were present- Al Lowande, Andy Galida, Jim Green, Robert Schueler, Ron DiMura, Jeff First, Paul Woska.

Also present were Board Attorney Ms. Kelly Carey, Board Planner, Mr. Ricci and Board Engineer, Mr. Venezia.

4. Minutes

Member Lowande made a motion to approve the March 12, 2014 meeting minutes, seconded by Member First. Vote: All in favor. Motion passed.

5. Old Business

**P2013-07
National Dust Control
200 Blackford Ave
Block 290 Lot1**

Mr. Gazzale of Fisk Associates had revised the site plan and started the review.

Mr. Gazzale reviewed the additional parking spaces, the added handicapped parking space, spotlight on the building and corrected the typographical error on the zoning chart.

Chairperson Galida asked for questions from the Board Members.

Member Schueler asked where the proposed wall light would be located and would it be enough light for night and daylight hours.

Mr. Gazzale stated that it is a 250 watt light, can be angled to make safer.

Member Lowande asked if the light would encroach on other properties.

The Board was informed that the light would not.

Mr. Venezia summarized his report dated April 8, 2014 based on the revised plans.

Mr. Venezia commented that if the applicant did need to utilize all the future parking the applicant would have to return to the Board to put in place.

Mr. Whitelaw stated that his client understands if he needs to come back in the future he would.

Mr. Ricci commented on the trash enclosure.

The applicant will provide a board on board trash enclosure.

Chairperson Galida opened the meeting to the public.

There being no public comments on this application Chairperson Galida closed the public portion for this application.

Mr. Whitelaw summarized the application and waivers stating that the applicant has addressed the parking concerns.

Ms. Carey reviewed the design waivers: contours, utilities, lighting and landscape plans.

Member Schueler was concerned with the waiver of the lighting plan.

Mr. Whitelaw stated that if the applicant had addressed the concerns that the Board raised during testimony and if needs to come back for parking then would have to provide a lighting plan.

Member Schueler had no other concerns with the waivers.

Member DiMura stated he was satisfied with the testimony.

Member Woska stated the applicant screened the dumpster and put the light on the building and understands if he needs to return in the future to the Board he will.

Member Lowande made a motion to approved the revised site plans with the waivers requested, seconded by Member Woska. Vote: Member Lowande- yes, Member Galida- yes, Member Green- yes, Member Schueler- yes, Member DiMura- yes, Member First- yes, Member Woska-yes. Motion approved.

P2013-03

Discenza

421 Lincoln Blvd.

Block 295 Lot 51

Mr. Whitelaw requested that this application be extended to the April 30, 2014 meeting as his client was not available for the meeting.

6. New Business

P2014-01

900 South Ave LLC

900 South Ave

Block 269 Lot 1

The applicant 900 South Ave LLC will be represented by Mr. Erwin Schnitzer, and Engineer Mr. Titus.

Ms. Carey duly swore in Mr. Lee Titus and Amalio Armenti of 900 South Ave LLC.

Ms.Carey stated that the survey was not within 6 months, the Board can waive this requirement and deem complete.

The Board waived this requirement and deemed the application complete.

Mr. Schnitzer referenced the Middlesex County letter dated March 2014.

Mr. Schnitzer gave a history of the previous applications and how the Middlesex Borough ordinance had been changed to include landscaper's yard.

Mr. Schnitzer stated that there are three design waivers and the plans don't include storage bins or mulch.

Mr. Schnitzer stated that this is a new application.

Mr. Titus gave his education and credentials to the Board, also has appeared in front of this Board before.

The Board accepts Mr. Titus's credentials as an expert witness.

Mr. Schnitzer stated that the fronts of the property are located along South Ave, Pershing Pl. and Wilton Ave.

Mr. Titus gave an overview of the property having a chain link fence with barb wire and a damaged shed.

Mr. Titus stated that the applicant proposes 10 spaces of 50 x 10ft. along the westerly side of the property for landscaping trailers to be parked, also proposing 18 spaces of 50 x 10ft along the easterly side of the property, then 22 parking spaces along Pershing Pl.

Mr. Titus stated that the applicant proposed to rent out the spaces to different contractors.

Mr. Titus stated that there would be a 6ft high arborvitae buffer.

Mr. Titus stated the circulation on the site is adequate, the site is open in the middle of the property and parking spaces are located on the three sides.

Mr. Titus stated there would also be a grass perimeter around the property.

Mr. Titus stated that the shed is to be removed.

Mr. Titus stated that the drainage on the site would not change, the drainage grated along the northerly side toward South Ave and the impervious coverage would not be changing.

Mr. Titus discussed the proposed lighting on the site.

Mr. Venezia asked about the existing condition of the site and additional gravel.

Mr. Titus stated that the applicant will proof roll the site so the site will be firm.

Chairperson Galida asked if there would be certified clean material to fill the site.

Mr. Titus testified clean material would be used.

Member First asked if the site would have 24 hour access for the landscapers.

Mr. Armenti stated that as the owner he would keep the gate open all day, in the morning he would open the gate and at the end of the day he would lock the gate.

Mr. Armenti stated that his son would also be able to open the gate between 5:30 and 6:00 am.

Members Schueler stated his concerns about the lack of lighting on the property.

Mr. Armenti stated that the yard would be open to about 4:30pm or until dark.

Mr. Ricci asked if there are already lease arrangements between 900 South Ave LLC and landscapers.

Member DiMura stated his concerns about how this site would be used dawn to dusk with seasonal contractors, giving example of snowplowing can be at any time.

Member DiMura stated his concerns with residential traffic issues, lighting and privacy to the neighborhoods.

Mr. Armenti stated he is willing to address the lighting concerns.

Member DiMura asked for an estimate of how many contractors on average will be using the lot.

Mr. Armenti stated that each landscaper typically has 2 to 3 trucks or trailers

The Board asked what types of trailers would be kept at the site.

Mr. Armenti stated that there would be open and closed trailers.

The Board started to review Mr. Ricci 's report dated March 1, 2014.

Items 1, 2 and 3 were already reviewed with the testimony.

The design waivers of pavement markings were discussed, each bumper marking would have a designated marking.

The lighting plan was discussed.

Mr. Titus stated that there would be no poles in the middle of the site, poles can be put in the corners.

Mr. Venezia suggested lighting along the perimeter, the Board can determine if want the lighting in the middle.

The height of the light poles was discussed with 16ft being recommended due to the surrounding residential area.

The applicant was open to suggestions from the Board about a lighting plan.

The engineers will discuss the lighting plan and the plan will be revised.

The paving waiver was discussed.

The applicant stated that he is not going to pave the lot, the recycled asphalt is to be removed.

The applicant is not proposing curbing, plans indicate bumper stops.

The Board questioned the fence repair and arborvitae, indicating the current condition of the fence, the Board stated that improvements need to be made.

Mr. Armenti stated that two sides of the fence were good and would not be replacing these two sides.

Mr. Ricci questioned if the applicant would be using slats in the chain link fence.

Mr. Ricci questioned the barb wire currently on the fence.

Mr. Armenti stated that he would not be using slats in the chain link fence.

Mr. Armenti stated that he would be using barb wire on top of the 8ft high chain link fence.

Mr. Ricci stated that barb wire does not comply with the local ordinances.

Mr. Titus stated that the applicant would be reusing the existing fence with the existing barb wire.

Mr. Ricci questioned the arborvitae choice.

Mr. Armenti stated that this type of arborvitae can grow all year long and can grow tall.

The Board commented on having a deer resistant arborvitae.

Mr. Armenti stated that he could change the type of arborvitae to a different type.

Items C, D, E were previously discussed during testimony.

Mr. Titus stated that the site is open in the middle for circulation.

The applicant stated that no signs are proposed.

The applicant stated that there would be no storage containers.

The Board then revisited the conversation of the barb wire fencing.

Mr. Ricci stated that the barb wire reinstall clearly not permitted, just because it is currently there does not mean it is legally there.

Mr. Ricci stated Ordinance 420-62(I).

I.

Electrically charged fences are specifically prohibited in all districts. However, barbed wire or similar fences may be permitted in CLW and IND Zones, provided that said fence is not located within a required front yard area, and further provided that the barbed wire is not located below a height of eight feet.

[Amended 6-29-1993 by Ord. No. 1285]

The Board discussed the front yard setbacks that pertain to this property; this lot is a corner lot so the sets backs would be doubled.

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The Board reviewed Mr. Venezia's Engineering Report dated February 28, 2014.

The applicant testified to the grading and drainage; the applicant will disturb less than one acre, the applicant will remove one material and replace with clean fill, the drainage will flow in the same direction.

The applicant addressed general comment#1 that addresses the size of the parking spaces.

Member Lowande questioned the size of the parking spaces, if the 10ft width of the space would be wide enough.

Mr. Schnitzer stated that the vehicles would fit comfortably.

Mr. Venezia questioned the circulation and the entrance/exiting on the driveways.

Mr. Titus stated the circulation would be in the center of the property.

Mr. Venezia asked if there would be only one gate.

Mr. Armenti stated that there would be only one gate on the property.

The applicant addressed comment #5, the applicant will be removing the shed.

The Board already discussed the lack of lighting on the plans.

The applicant is proposing arborvitae as screening.

The applicant addressed the security comment with the barb wire and revised lighting.

Mr. Titus stated that the sight distance at the corners is adequate.

Mr. Venezia commented that American Association of State Highway Transportation Official (AASHTO) sight distance should be shown on the site plans.

The Board discussed the encroachment of the fence on the Pershing Place right-of-way.

Ms. Carey advised that the Planning Board does not have the power to grant this encroachment.

The applicant will move the fence to comply with the regulations.

The applicant will comply with the Borough Engineer's requirements for the proof rolling of the site.

The applicant stated that there won't be parking on Wilton Ave; only a lawn area.

The applicant will seed the perimeter of the site to have grass grow.

The plans will be updated to show the approval block.

The Board referred to the County Fire Marshall's report.

The applicant will not have storage at the site.

The applicant stated that there are fire hydrants along South Ave and Wilton Ave.

The applicant stated that the width of access lane minimum of 20ft required by NJ Uniform Fire Code is met.

Member Schueler asked how wide does the gate open.

The applicant stated the gate opens about 20 to 25 ft. wide.

The Board stated that the applicant will verify the width of the gate to comply with the NJ Uniform Fire Code.

The applicant will comply with submitting performance bonds, and obtaining outside agency approvals.

Chairperson Galida commented on the site lighting to have the applicant coordinate with the utility company.

Member Schueler asked the applicant to explain the gate.

The applicant stated that the gate would be a swinging gate.

The Board questioned if there was a DEP well or portable well on the site.

Mr. Armenti stated that the well is potable and will not be used.

The Board stated that the well should be capped in case of fuel spills from the vehicles that would be parked at the site.

Member DiMura asked if the site would be open 7 days a week.

Mr. Armenti stated that the site could be open 7 days a week depending on the season.

The Board asked if there would be a trailer on the property that would be used for an office kept at the site.

Mr. Armenti stated that there would not be a trailer on the property.

Mr. Armenti stated that the site would be for movable equipment.

Chairperson Galida open the meeting to the public for questions.

Emil Vogt, 37 Davis Ave. Piscataway, NJ asked how many spots would be available for rent.

Mr. Armenti stated that there would be 28 larger spots and then 22 spots for a total of 50 spots that could be rented.

Mr. Vogt questioned the control of the gate, the traffic with a bus stop in the area and questioned the barb wire on the fencing, questioned the type of millings to be used, questioned where the snow would be put and how would the bumpers be seen if it snows.

William Hummer, Sherman Ave., Middlesex questioned the soil and if there were any reports regarding this site.

Mr. Schnitzer stated that the applicant has a no further action letter from the DEP.

Chairperson Galida opened the meeting to the public for comments.

Ms. Carey duly swore in Emil Vogt, 37 Davis Ave., Piscataway, NJ.

Mr. Vogt stated that the Zoning Officer needs to know what tenants are going to be in and out and how the site is going to be used that this could lead to problems with the tenants doing whatever they want and not parking in the correct spots. Mr. Vogt stated that parking spots should be limited.

Ms. Carey duly swore in John Hoffman, 455 Lincoln Blvd., Middlesex, NJ.

John Hoffman stated that the site triangle needs to be looked at and would be major problem. Mr. Hoffman also questioned the parking of 50 landscaper's vehicles and the length of the trailers. Mr. Hoffman stated that the site was not going to be improved and didn't see this as beneficial to the town. Mr. Hoffman commented on the previous times the application had been before the Planning and Zoning Boards. Mr. Hoffman commented on the other applicant Discenza 421 Lincoln Blvd not attending the meeting.

Chairperson Galida closed the public portion of the meeting.

Mr. Schnitzer gave the Board the No Further Action Letter from the DEP.

Board members wanted to know if there was a bus stop in the area and instructed the Board Clerk to contact the Police Dept. regarding this subject.

Mr. Ricci recommended that all properties have a structure for principle use.

The Board questioned the accountability for trash from the tenants and that there should be a small dumpster and the improvements that are needed at this site.

The Board questioned the lack of a restroom facility on the site and asked the Board Clerk to contact the Health Department if there were any rules or regulations regarding porta johns.

The applicant will return to the Planning Board on April 30, 2014 with revised plans.

7. Attorney Contract

The Chairperson signed the contract for professional services for Planning Board Attorney with Difrancesco, Bateman, Coley, Yospin, etc.

8. Board Comments

A. Zoning Report

The Board reviewed the report and discussed the property line definition with correlationn to condos. The Board will discuss at the next meeting.

B. Escrow Fee Memo

The Board will recommend to the Council the amounts that were recommended by the Zoning Officer and discussed.

C. Review of Ordinance 1836 and 1837

These items were tabled to the following meeting.

D. Proposed Amendments to Land Use Ordinances

These items were table to the following meeting.

9. LRHL Resolution and Council Resolutions 89-14 and 96-14

The Board adopted the Resolution that Lincoln Blvd Redevelopment Study be conducted in 4 Phases to coincide with the Council Resolutions 89-14 and 96-14. Mr. Ricci gave an update stating that he had contacted various departments regarding these properties and was waiting for information.

Member Lowande made a motion to approve the LRHL Resolution, conducting the Redevelopment Study in 4 phases as approved by the Council, seconded by Member Schueler. Vote: Member Lowande- yes, Member Galida- yes, Member Green- yes, Member Schueler- yes, Member DiMura- yes, Member First- yes, Member Woska- yes. Motion passed.

There being no further business Member Schueler made a motion to adjourn the meeting at 10:34pm, seconded by Member Lowande. Vote: All in favor. Meeting adjourned.

Secretary

Clerk